

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SUPREME ALLAH, DIN. 03-A-3720 : 07 Civ. 0243 (CM) (JCF)

Plaintiff, : REPORT AND  
: RECOMMENDATION

- against -

DT. CIVITELLA, CORRECTION SERGEANT :  
B. ANDERSON, CORRECTION OFFICER :  
E. SCOTT, CORRECTION OFFICER :  
M. MULKINS,

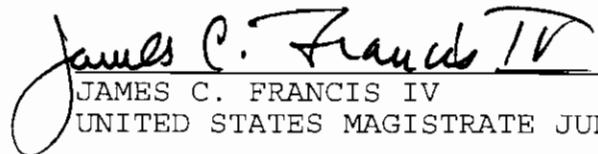
Defendants.

USDC SDNY  
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 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 6/5/07

TO THE HONORABLE COLLEEN McMAHON, U.S.D.J.:

The complaint in this action was filed on January 11, 2007, and service on the defendant was never effected. By letter dated May 22, 2007, I advised the plaintiff to submit within two weeks any reasons why the action should not be dismissed. I received no reply. I therefore recommend that the complaint be dismissed without prejudice pursuant to Rule 4(m) of the Federal Rules of Civil Procedure. Pursuant to 28 U.S.C. § 636(b)(1) and Rules 72, 6(a), and 6(e) of the Federal Rules of Civil Procedure, the parties shall have ten (10) days to file written objections to this Report and Recommendation. Such objections shall be filed with the Clerk of the Court, with extra copies delivered to the chambers of the Honorable Colleen McMahon, Room 640, and to the chambers of the undersigned, Room 1960, 500 Pearl Street, New York, New York 10007. Failure to file timely objections will preclude appellate review.

Respectfully submitted,

  
\_\_\_\_\_  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
June 5, 2007

Copies mailed this date to:

Supreme Allah  
03-A-3720  
Clinton Correctional Facility  
Cook Street  
P.O. Box 2000  
Dannemora, New York 12929